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EXAMINER	
CHOULES, J	
ART UNIT	PAPER NUMBER
2307	15

DATE MAILED: 10/07/96

Please find below a communication from the EXAMINER in charge of this application.

SEE ATTACHED FINAL ACTION

Commissioner of Patents

Office Action Summary	Application No. 08/124,616	Applicant(s) Grube et al.
	Examiner Jack M. Choules	Group Art Unit 2307

☒ Responsive to communication(s) filed on *Jul 18, 1996* .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-4, 6, 7, 11-14, 17, 18, 21, and 24-27* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-4, 6, 7, 11-14, 17, 18, 21, and 24-27* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. Claims 1-4, 6-7, 11-14, 17-18, 21, and 24-27 are presented for examination.

2. The text of the Title 35, U.S. Code not in this action can be found in the prior Office Action, mailed Dec 7, 1994, and are incorporated by reference.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6-7, 11-14, 17-18, 21, and 24-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 6, 7, 11-14, 17, 18, 21, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Dev et al. (hereafter Dev), patent no. 5,504,921 in view of Shing et al. (hereafter Shing), patent no. 5,495,610 also in view of Tseung patent no. 5,036,518.

5. As to claims 21, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "receiving network information" (col. 4, lines 45-51, col. 5, lines 39-52, and col. 6, lines 44-65); and "upon receiving" (col. 6, lines 57-62); and "determining" (col. 6 , lines 11-28).

6. Dev does not detail "transmitting" and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources where available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51), and Tseung describes "simultaneously" distributing information by "transmitting" over a wireless system (col 13, lines 36-47, col. 40, lines 30-66, and col. 42, line 50-col. 43, line 60). Shing describes a system that includes "determining" (col. 4 , lines 16-22).

7. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Tseung with Shing and Dev because it allows updates to be distributed simultaneously to potentially thousands of workstations needing the updates improving the throughput of the DP system.

8. As to claim 24, Dev taught "a plurality of computers" (fig. 2).

9. As to claim 27, Tseung taught "radio frequency" (col. 13, lines 36-47).

10. As to claims 11 and 12, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "transmitting network information" (col. 4, lines 45-51, col. 5, lines 39-52, and col. 6, lines 44-65); "upon receiving" (col. 6, lines 57-62); and "after receiving" (col. 12, lines 1-15);.

11. Dev does not detail "transmitting" and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources where available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51), and Tseung describes "simultaneously" distributing information by "transmittiing" over a wireless system (col. 40, lines 30-66 and col. 42, line 50-col. 43, line 60). Shing describes a system that includes "determining" (col. 4 , lines 16-22).

12. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Tseung with Shing and Dev because it allows updates to be distributed simultaneously to potentially thousands of workstations needing the updates improving the throughput of the DP system.

13. As to claim 13, Dev details providing "statistical information" after filtering with predefined filter parameters (col. 7, lines 57-67). One of skill in the art would realizes that these filters could be set up to pass information relevant to marketing and doing so would provide useful information.

14. As to claim 14, the examiner takes official notice that "verifying" authorization of software on a network is well known in the art. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to verify software on the network with Dev's invention as it can track software (col. 5, lines 11-16) and combining this function in the network management system provides protection of rights without a parallel system specifically set up for that purpose.

15. As to claim 17, one of skill in the art would realize the need to provide user information upon request and would know to implement the system to provide information to the user on command improving user satisfaction.

16. As to claim 18, Shing provides "updates" (col. 4 , lines 16-22).

17. As to claim 26, Tseung taught "radio frequency" (col. 13, lines 36-47).

18. As to claims 1 and 2, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "transmitting" "network information" (col. 4, lines 45-51, col. 5, lines 39-52, and col. 6, lines 44-65); "upon receiving" (col. 6, lines 57-62); and "after receiving" (col. 12, lines 1-15);.

19. Dev does not detail "a plurality of computer networks", "transmitting", and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources where available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51) and Tseung describes "a plurality of computer networks" (fig. 1) and "simultaneously" distributing information by "transmitting over a wireless system" (col. 40, lines 30-66 and col. 42, line 50-col. 43, line 60). Shing describes a system that includes "determining" (col. 4 , lines 16-22).

20. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to extend the system of Dev. to "a plurality of computer networks" by distributing the management of the network among the separate clusters of computers (fig. 2) by having a server for each cluster that maintained that cluster as a network and forwarded information to the overall management system as that would allow greater expansion of the computer system. It would have been obvious to one of ordinary skill in the DP art at the time of

the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system. It would also have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Tseung with Shing and Dev because it allows updates to be distributed simultaneously to potentially thousands of workstations needing the updates improving the throughput of the DP system.

21. As to claim 3, Dev details providing "statistical information" after filtering with predefined filter parameters (col. 7, lines 57-67). One of skill in the art would realizes that these filters could be set up to pass information relevant to marketing and doing so would provide useful information.

22. As to claim 4, the examiner takes official notice that "verifying" authorization of software on a network is well known in the art. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to verify software on the network with Dev's invention as it can track software (col. 5, lines 11-16) and combining this function in the network management system provides protection of rights without a parallel system specifically set up for that purpose.

23. As to claim 6, one of skill in the art would realize the need to provide user information upon request and would know to implement the system to provide information to the user on command improving user satisfaction.

24. As to claim 7, Shing provides "updates" (col. 4 , lines 16-22).

25. As to claim 25, Tseung taught "radio frequency" (col. 13, lines 36-47).

Specification

26. Applicant is advised that the summary is missing from the specification.

Summary: A brief summary or general statement of the invention that is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention. See 37 CFR 1.73 Summary of the invention.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on Monday-Friday from 7:15 AM - 3:45 PM and generally on Monday and Wednesday until 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached at (703)-305-9707. The fax phone number for this Art Unit is (703)-308-5357 or 308-5356.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2300

Jack M. Choules

October 3, 1996